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6 Specially Appearing for Respondent
BRETT L. GIBBS
7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 INGENUITY 13 LLC,

12 Plaintiff,

13 vs.

14 JOHN DOE,

15 Defendant.
16

) Case No. 2:12-CV-8333-ODW (JCx)
) [Consolidated with Case Nos.:
) 2:12-cv-6636; 2:12-cv-6669; 2:12-cv-
) 6662; 2:12-cv-6668]

) [Assigned to Judge Otis D. Wright, II]

) **DECLARATION OF BRETT L.
) GIBBS IN RESPONSE TO THE
) COURT'S FEBRUARY 27, 2013
) ORDER**

[Complaint Filed: September 27, 2012]

Date: March 11, 2013
Time: 1:30 p.m.
Dept: 11

Trial date: None set

21 **DECLARATION OF BRETT L. GIBBS**

22 I, Brett L. Gibbs, declare and state as follows:

23 1. I am an attorney at law duly licensed to practice before all of the courts
24 in the State of California and the United States District Court for the Central District
25 of California. I was "Of Counsel" to Prenda Law, Inc., counsel of record for
26 Plaintiffs AF Holdings, LLC ("AF Holdings") and Ingenuity 13, LLC ("Ingenuity")
27 in the actions entitled *AF Holdings, Inc. v. Doe*, United States District Court for the
28 Central District of California Case No. 2:12-cv-6636-ODW(JCx) ("Case No.

1 6636”), *AF Holdings, Inc. v. Doe*, United States District Court for the Central
2 District of California Case No. 2:12-cv-6669-ODW(JCx) (“Case No. 6669”),
3 *Ingenuity 13 LLC v. Doe*, United States District Court for the Central District of
4 California Case No. 2:12-cv-6662-ODW(JCx) (“Case No. 6662”), *Ingenuity 13 LLC*
5 *v. Doe*, United States District Court for the Central District of California Case No.
6 2:12-cv-6668-ODW(JCx) (“Case No. 6668”) and *Ingenuity 13 LLC v. Doe*, United
7 States District Court for the Central District of California Case No. 2:12-cv-8333-
8 ODW(JCx) (“Case No. 8333” and collectively the “Copyright Litigations”). I have
9 personal knowledge of the facts set forth below, other than those facts that are
10 identified as stated on information and belief which I also believe to be true, and I
11 could and would competently testify to them if called upon to do so.

12 2. I make this declaration in response to the Court’s February 27, 2013
13 Order.

14 3. In my Response and Declaration to the Court’s February 7, 2013 Order
15 to Show Cause, I referred to “senior members” of the law firms that employed me in
16 an “Of Counsel” relationship. By “senior members” of the law firms, I was not
17 referring to those persons who may have an ownership interest in the law firms, but
18 rather those attorneys who I was informed communicated with the clients, oversaw
19 the litigations on behalf of the law firm’s clients, and provided me with instructions
20 and guidelines, which I was informed, originated from the clients. I reported to
21 those senior members.

22 4. On March 14, 2011, I was contacted and hired by Steele Hansmeier
23 PLLC (hereinafter “S&H”) in an “Of Counsel” relationship. During my time with
24 S&H, John Steele and Paul Hansmeier were the attorneys who informed me that
25 they communicated with S&H’s clients, oversaw the litigations on behalf of those
26 clients, and provided me with instructions and guidelines, which I was informed,
27 originated from the clients. I reported to Mr. Steele and Mr. Hansmeier.

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1 5. In or around November 2011, I was informed that S&H, and its book of
2 business, had been sold to a Chicago firm, Prenda Law, Inc. ("Prenda"). It is my
3 understanding that the sole principal of Prenda is Paul Duffy. Mr. Duffy's business
4 address is 161 N. Clark Street, Suite 3200, Chicago, IL. The telephone number for
5 Prenda is (800) 380-0840. I was also informed that I would be continuing my work
6 as "Of Counsel" to Prenda and continue in the same role I had with S&H in
7 prosecuting copyright cases. During the course of my work with Prenda, Mr. Steele
8 and Mr. Hansmeier were the attorneys who informed me that they communicated
9 with Prenda's clients, oversaw the litigations on behalf of those clients, and
10 provided me with instructions and guidelines, which I was informed, originated
11 from the clients. I reported to Mr. Steele and Mr. Hansmeier.

12 6. I was informed that Mr. Steele and Mr. Hansmeier work for or with
13 Livewire Holdings LLC ("Livewire"). According to Livewire's website, its address
14 is 2100 M. St. NW, Suite 170-417, Washington D.C. 20037-1233 and telephone
15 number is (888) 588-WIRE. I am in possession of the personal addresses and
16 telephone numbers for Mr. Steele and Mr. Hansmeier. However, out of an
17 abundance of caution, I did not believe their private addresses and telephone
18 numbers should be disclosed in a publicly filed document. If the Court requests the
19 addresses and telephone numbers, I would request that the information be filed
20 under seal.

21 7. The Copyright Litigations with respect to AF Holdings related to a
22 copyrighted work entitled "Popular Demand". "Popular Demand" has a valid
23 registered copyright issued by the United States Copyright Office, registered by
24 Heartbreaker Digital LLC ("Heartbreaker") on August 9, 2011 (Popular Demand,
25 Copyright No. PA0001754383). Pursuant to an assignment agreement dated
26 December 20, 2011, Heartbreaker assigned the rights to reproduce and distribute the
27 film, "Popular Demand" to AF Holdings. AF Holdings was, and is, a limited
28 liability company formed under the laws of the Federation of Saint Kitts and Nevis.

1 Based on information and belief, AF Holdings is located at Springates East,
2 Government Road, Charlestown, Nevis. I am informed that Mark Lutz is the CEO
3 of AF Holdings.

4 8. The Copyright Litigations with respect to Ingenuity 13 were related to
5 copyrighted works entitled "A Peek Behind the Scenes at a Show" and "Five Fan
6 Favorites". "A Peek Behind the Scenes at a Show" has a valid registered copyright
7 issued by the United States Copyright Office, registered by Ingenuity 13 on August
8 24, 2012 (A Peek Behind the Scenes at a Show, Copyright No. PA0001802629).
9 "Five Fan Favorites" has a valid registered copyright issued by the United States
10 Copyright Office, registered by Ingenuity 13 on May 29, 2012 (Five Fan Favorites,
11 Copyright No. PA0001791654). Ingenuity 13 was, and is, a limited liability
12 company formed under the laws of the Federation of Saint Kitts and Nevis. Based
13 on information and belief, Ingenuity 13 is located at Springates East, Government
14 Road, Charlestown, Nevis. I am informed that Mark Lutz is the CEO of Ingenuity
15 13.

16 9. I believe that Mr. Lutz is living and working from Las Vegas, NV. I
17 am informed that Mr. Lutz also works for Livewire. According to Livewire's
18 website, its address is 2100 M. St. NW, Suite 170-417, Washington D.C. 20037-
19 1233 and telephone number is (888) 588-WIRE. I am not possession of Mr. Lutz's
20 personal address. I am in possession of Mr. Lutz's personal telephone number.
21 However, out of an abundance of caution, I did not believe Mr. Lutz's private
22 telephone number should be disclosed in a publicly filed document. If the Court

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1 requests the telephone number, I would request that the information be filed under
2 seal.

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4 I declare under the penalty of perjury under the laws of the United States of
5 America that the foregoing is true and correct. This declaration is executed on the
6 1st day of March 2013, in Mill Valley, California.

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9 BRETT L. GIBBS